

Notice of Allowability

Application No.

10/635,273

Examiner

Shannon S. Saliard

Applicant(s)

HARTMANN ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 7/13/07.
2. ☒ The allowed claim(s) is/are 1-3, 5-13, 17-21, 23-25, 28-32, 34, 35, 38-52, 65, 68-73, 75-80, and 83-91.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-3, 5-13, 17-21, 23-25, 28-32, 34, 35, 38-52, 65, 68-73, 75-80, and 83-91 are allowed over the prior art of record.

2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record are Fay et al [US 2003/0187851], Baggett et al [WO 02/25557], McKeeth [US 2003/0105744], Megiddo et al [US 2004/0098541].

Fay et al discloses a method for providing product availability information to a user from at least one product source, where a product has one or more associated different start dates indicating when a user may initiate use of the product. Fay et al further discloses updating product availability information stored in the storage device by accessing the product sources, requesting product availability information about the product, and storing the product availability information in the storage device.

Baggett et al discloses a system and a method for updating a cache storage device with flight information more often based on nearness of departure, seasonality, and/or special events. Baggett et al further discloses responding to user flight availability requests from data stored in a cache memory device.

McKeeth discloses providing a score for each product source based at least on a popularity of the product source, and updating the product availability information stored in the storage device for each product source based on the score associated with each

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product source. McKeeth further discloses that sources having a higher popularity rating are updated more often than sources having a lower popularity rating.

Megiddo et al discloses accumulating the number of times that a product source's product relates to an availability request and the number of times that the product source had availability for the requested product to determine when to update information is a product source.

As per claims 1, 20, 31, 41, 47, 50, 65, 73, 80, 86, 88, and 90, the closest prior art of record taken either individually or in combination with other prior art of record fails to teach or suggest a method, system, or computer-readable instructions for responding to a user product availability request from a product source by dividing a requested length of use into at least two selected lengths of use that are each less a maximum length of use stored in the product source. The specific allowable feature, which distinguishes the present invention over the prior art of record, is wherein when the requested length of use for the requested product exceeds the maximum length of use stored in the storage device, said determining step comprises: dividing the requested length of use into at least two selected lengths of use that are each less than the maximum length of use stored in the storage device, each selected length of use having an associated selected start date.

Claims 2, 3, 5-13, and 17-19 are dependent upon claim 1 and thus have all the limitations of claim 1 and are allowable for that reason. Claims 21, 23-25, and 28-30 are dependent upon claim 20 and thus have all the limitations of claim 20 and are

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allowable for that reason. Claims 32, 34, 35, and 38-40 are dependent upon claim 31 and thus have all the limitations of claim 31 and are allowable for that reason. Claims 42-46 are dependent upon claim 41 and thus have all the limitations of claim 41 and are allowable for that reason. Claims 48 and 49 are dependent upon claim 47 and thus have all the limitations of claim 47 and are allowable for that reason. Claims 51 and 52 are dependent upon claim 50 and thus have all the limitations of claim 50 and are allowable for that reason. Claims 68-72 are dependent upon claim 65 and thus have all the limitations of claim 65 and are allowable for that reason. Claims 75-79 are dependent upon claim 73 and thus have all the limitations of claim 73 and are allowable for that reason. Claims 83-85 are dependent upon claim 80 and thus have all the limitations of claim 80 and are allowable for that reason. Claim 87 is dependent upon claim 86 and thus has all the limitations of claim 86 and is allowable for that reason. Claim 89 is dependent upon claim 88 and thus has all the limitations of claim 88 and is allowable for that reason. Claim 91 is dependent upon claim 90 and thus has all the limitations of claim 90 and is allowable for that reason.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

***Commissioner of Patents and Trademarks
Washington, D.C. 20231***

Or faxed to:

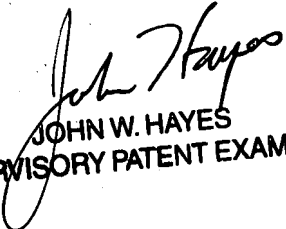
(571) 273-5587 [Informal/ Draft Communications, labeled
"PROPOSED" or "DRAFT"]

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Hand delivered responses should be brought to the Customer Service Window,
Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Shannon S Saliard
Examiner
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SSS


JOHN W. HAYES
SUPERVISORY PATENT EXAMINER